

Appeal Decision

Site visit made on 7 May 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Reference: APP/T5720/W/20/3249643

Land at 10 Cedars Avenue, Mitcham CR4 1EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sidwell (Rosewell Properties Limited) against the decision of Merton London Borough Council.
 - The application (reference 18/P4518) is dated 28 November 2018.
 - The development proposed is described in the application form as: *"roof extension and single storey rear extension, including change of use of the existing house in multiple occupation to a larger house in multiple occupation"*.
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Decision

1. The appeal is dismissed.

Preliminary points

2. This appeal was dated 25 March 2020 and was submitted against the Council's failure to determine the planning application, although a "Planning Permission Decision Notice" was issued subsequently by the Council (dated 16 April 2020). This is an appeal against the Council's failure to determine the planning application, therefore. The Council's "Notice" seeks to explain their objections to the scheme, nonetheless, and is clearly material to the appeal.
3. The drawings referred to on the Council's "Planning Permission Decision Notice" are not the same as those listed as the "application drawings" on the Appellant's letter of 25 March 2020, which accompanied the appeal. Nevertheless, the appeal relates to the drawings listed in the appeal submission, subject to the amendment of drawing number 21194 PL01 to drawing number 21194 PL01C as a correction.

Main issues

4. The first main issue to be determined in this appeal is whether the proposed servicing arrangements for the site would be satisfactory, together with their impact on the surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by undue disturbance).

Reasons

5. The appeal site lies within a predominantly residential area of Mitcham, and Cedars Road is a busy road that serves an area which includes a mixture of dwelling types. The site lies a short way to the north-east of the junction of Cedars Road and Commonsides East (which is also a busy road), where traffic lights control the junction. Although the land to the north-east of Commonsides East is residential in character, the land to the south-west of the road is open land (Mitcham Common) and Cedars Road continues across the Common.
6. The area to the north-east of Mitcham Common has a mixed residential nature. Blocks of flats have been built on opposite sides of Cedars Road at the junction with Commonsides East, while larger scale developments of flats are to be found along Cedars Road, notably at Imperial Gardens. Other dwellings are more traditional in form but modern development is also to be seen, for example at Aventine Avenue.
7. By contrast, the properties either side of number 10 Cedars Road are detached or semi-detached houses; a further pair of semi-detached houses faces the site across the road and a small development of modest bungalows has been constructed at the rear.
8. Number 10 Cedars Road itself is a substantial two-storey detached house, used as a house in multiple occupation, with five independent bedrooms, two shared bathrooms, a lounge and a communal kitchen. It has a front garden area that is used for car parking and which shares an access with the bungalows at the rear. The back garden at number 10 is modest in scale but is adequate, commensurate with the scale of the property. It is laid mainly to grass as a useful amenity.
9. It is now proposed that the existing building should be increased in size by the construction of an extension at the rear and the creation of an additional floor, thus creating a larger house in multiple occupation, with eleven private rooms (each with en-suite shower facilities) and a shared kitchen.
10. The 'National Planning Policy Framework' (which was revised in February 2019) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes providing good standards of residential accommodation in new development and safeguarding existing residential amenities.
11. An emphasis on the importance of good design is also to be found in the Development Plan, including planning policies for the London Borough of Merton and more widely applicable policies in 'The London Plan'. Particular attention has been drawn to Policies DM D2 and DM D3 of the 'Sites and Policies Plan' (adopted in July 2014) and to Policy CS14 of the 'LDF Core Planning Strategy' (adopted in July 2011). These policies underpin general principles (that are also to be found in 'The London Plan') and they emphasise the importance of good design and the aim of protecting urban character.
12. Good standards for future occupiers need to be achieved within proposed developments and Policy DM H5 relates specifically to various types of housing with shared facilities. In addition, Policies CS18 and CS20 of the 'Core Planning

Strategy' and Policy DM T1 of the 'Sites and Policies Plan 2014' are concerned with relevant servicing and transport requirements.

13. The appeal scheme would involve a very significant enlargement of the existing house in multiple occupation, creating a new second floor by means of a large dormer construction at the existing roof level and encroaching onto the back garden with a single-storey extension. The building would also be refurbished and improved generally and would provide eleven private rooms. Some rooms would have their own kitchenette facilities, while others would share the kitchen on the ground floor.
14. It is acknowledged that the altered building would be visually acceptable. The front elevation of the building would be improved and the new rear dormer would not be so unusual a design as to be out of place in the streetscene, even though it would be architecturally awkward.
15. Moreover, planning policies aim to provide more housing and to allow for housing choice, and the extended house in multiple occupation would contribute towards these objectives and would help to meet an undoubted local need.
16. Nevertheless, the considerable increase in the number of residents that is proposed would give rise to a significant intensification of use of the site, resulting in a cramped development. In particular, the servicing provision would be unsatisfactory. On the frontage, existing trees and planting would be removed (which would harm the streetscene) and three parking spaces would be laid out, while refuse bins and the bicycle store would need to be serviced from the adjoining driveway (which serves the bungalows to the rear). Indeed, the appeal drawings show that doors would open over the driveway itself (which is outside the defined application site). Moreover, the need for access to the rear of the property over the shared drive would be greatly increased, causing some inevitable disruption and disturbance to neighbours.
17. Evidently, cars that are parked on the frontage of the site are currently likely to encroach on the shared crossover as they manoeuvre, but the drive narrows alongside the building and the layout of the bin stores would lead to significant additional traffic conflict, however well managed the property might be.
18. I am convinced that these servicing arrangements are unsatisfactory and that, in the context of the scale of use that is now proposed, they are unacceptable in planning terms and contrary to planning policy. Furthermore, the scale of the proposed ground floor rear extension (containing the shared kitchen and the smallest of the proposed bedrooms) leaves limited scope for reorganisation of the servicing arrangements (the refuse stores and bicycle store), entirely within the application site.
19. In response to comments made by the local planning authority, alternative drawings have been submitted, to show how refuse and recycling provision could be relocated to the front of the site (as stated in the submitted "Management Plan"), with bicycle storage accessed from the garden itself. This could have an impact on the usefulness of the garden, however, which is an important benefit for occupiers, notwithstanding the fact that there is also a wide area of public open space at Mitcham Common, nearby. The introduction of bin stores on the front boundary would also have an adverse effect on the

- appearance of the frontage, adding to the sense of overdevelopment and undermining the character of the area.
20. In any case, such a variation to the layout would make a material difference to the scheme and I do not accept that it could be dealt with, in this case, merely by the imposition of conditions.
21. To summarise, the appeal site lies within an established urban area, which is “sustainable” in planning terms, and the proposed development would make a useful addition to the existing house in multiple occupation. Nevertheless, I am convinced that the scheme deals inadequately with servicing needs and that the proposed layout and the proposed intensification of the use would cause undue disturbance to neighbours and would also have an unacceptable impact on the character of the immediate surroundings.
22. These objections outweigh the benefits of the project, in my opinion, and I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan). It ought not to be allowed, therefore, and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
23. In reaching these conclusions I have considered whether the appeal could be allowed but subject to conditions that might overcome the concerns that I have identified. In view of the uncertainties that are involved, however, I have formed the opinion that it would not be possible to frame precise and reasonable conditions to deal with the objections to the project and that therefore the appeal must be dismissed.

Roger C Shrimplin

INSPECTOR